



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Light et al.

Attorney Docket No.: 112163-128

Serial No: 09/582,492

Group Art Unit: Not yet assigned

Filed: June 26, 2000

Examiner: Not yet assigned

(U.S. National Phase of PCT/US99/25109,
Filed October 26, 1999)

For: DETECTION OF HUMAN PAPILLOMA VIRUS IN PAPANICOLAU (Pap)
SMEARS

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)**

ATTN: PCT Legal Staff
Box PCT
Assistant Commissioner for Patents
Washington, DC 20231

03/11/2002 11:00:00 00000037 05000000
01 FC:141 1280.00 CN

Sir:

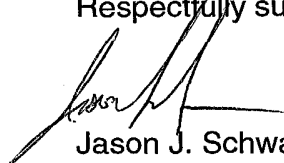
The above-identified application became abandoned for failure to file a timely and proper reply to a "Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)" mailed April 20, 2001. The date of abandonment is the day after the expiration date of the period set for reply in the Notice plus extensions of time actually obtained.

Applicant hereby petitions for revival of this application. Applicant avers that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional.

Included herewith is a Response to the above-referenced Notification, which includes an executed Declaration and Power of Attorney. The Commissioner is authorized to charge the large entity petition fee of \$1280.00, and any other required fees for consideration of this petition, to Deposit Account No. 08-0219.

Applicant's attorney wishes to thank Examiner Daniel Stemmer for the teleconference on January 9, 2002 in which Examiner Stemmer indicated the above-referenced correct address to which this paper should be submitted and that the Petition Under 37 C.F.R. § 1.182 in this case should be included with this paper.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jason J. Schwartz", is written over the typed name.

Jason J. Schwartz
Registration No. 43,910

HALE AND DORR LLP
1455 Pennsylvania Avenue, N.W.
Washington, DC 20004-1008
(202) 942-8490
Date: March 6, 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Light et al.

Attorney Docket No.: 112163-128

Serial No: 09/582,492

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Filed: June 26, 2000

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(U.S. National Phase of PCT/US99/25109,
Filed October 26, 1999)

For: DETECTION OF HUMAN PAPILLOMA VIRUS IN PAPANICOLAU (Pap)
SMEARS

**PETITION UNDER 37 C.F.R. § 1.182 FOR QUESTIONS NOT SPECIFICALLY
PROVIDED FOR**

ATTN: PCT Legal Staff
Box PCT
Assistant Commissioner for Patents
Washington, DC 20231

03/11/2002 11:00:00 00000037 000010 00000000
03 PCT/US 130.00 CH

Dear Sir:

Applicants petition the Commissioner to correct the international application number on the documents submitted in this case, including the "Transmittal Letter to the U.S. Designated Office (DO/US)-Entry into the U.S. National Stage Under Chapter I" filed on June 26, 2000; the "Statement Claiming Small Entity Status (37 CFR 1.9(c-f) and 1.27 (b-d))" filed on June 26, 2000; and any other supporting papers filed therewith and to correct the international application number of record in the above-referenced case. Specifically, applicants petition the Commissioner to (1) correct the international application number on the Transmittal Letter referenced above from "142/003/PCT" to "PCT/US99/25109"; (2) correct the international application number on the Small Entity Statement referenced above from "PCT/US99/23815" to "PCT/US99/25109"; and (3) correct the priority information in the above-referenced case to indicate that the above-referenced national stage application is based on international application number "PCT/US99/25109" (not

"PCT/US99/23805") having an international filing date of October 26, 1999 which has an earliest priority date of October 26, 1998. Support for this petition is set forth in detail below.

The Commissioner is authorized to charge the large entity petition fee required under 37 C.F.R. § 1.17(h) (and any other required fees for consideration of this petition) to Deposit Account No. 08-0219.

Applicant's attorney wishes to thank Examiner Daniel Stemmer for the teleconference on January 9, 2002 in which Examiner Stemmer indicated the above-referenced correct address to which this paper should be sent and that the Petition for Revival of an Application for Patent Abandoned Unintentionally in this case should be included with this paper.

Support for Petition

1. On June 26, 2000 applicants filed a U.S. national stage application, now identified as U.S. patent application serial number 09/582,492, based on international application number PCT/US99/25109 (filed October 26, 1999) in the United States Patent and Trademark Office (PTO) and requested entry into the national stage.
2. The Transmittal Letter sent to the PTO with the national stage application ("Transmittal Letter to the U.S. Designated Office (DO/US)-Entry into the U.S. National Stage Under Chapter I") (included in documents sent to PTO on June 26, 2000 – Exhibit A) correctly identified: (a) the international filing date (October 26, 1999); (b) the international earliest priority date (October 26, 1998); (c) the inventors (Light and Nuovo); and (d) the title of the application [Detection of Human Papilloma Virus in Papanicolaou (Pap) Smears] but incorrectly identified the International Application Number as 142/003/PCT, which was the attorney's docket number in the case.

The Combined Declaration and Power of Attorney (included with Exhibit A) correctly identified: (a) the PCT application upon which the national stage application is based as PCT/US99/25109; (b) the inventors (Light and Nuovo);

and (c) the provisional application number (60/105,657) and filing date of the provisional application upon which the PCT application and the national stage application are based (October 26, 1998); but incorrectly identified the international filing date as October 6, 1999.

Additionally, the "Statement Claiming Small Entity Status (37 CFR 1.9(c-f) and 1.27 (b-d))" (included in Exhibit A) correctly identified: (a) the international filing date (October 26, 1999); (b) the inventors (Light and Nuovo); and (c) the title of the application [Detection of Human Papilloma Virus in Papanicolaou (Pap) Smears], but incorrectly identified the PCT application upon which the national stage application is based as international application number PCT/US99/23815. The national stage application was accorded a serial number of 09/582,492.

3. On April 20, 2001, a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Exhibit B) for application serial number 09/582,492 was mailed to applicants. The Notification correctly identified: (a) the attorney docket number as 142/003/PCT; (b) the international application filing date as October 26, 1999; (c) the name of the first named inventor (Light, E.); and (d) the serial number of the application (09/582,492), but incorrectly identified the international application number as PCT/US99/23805 and incorrectly identified the priority date as January 26, 1998. The Notification required that a new oath or declaration be submitted as it asserted that none of the information submitted for serial number 09/582,492 matched the PCT number listed on applicant's transmittal letter.

4. On May 21, 2001, applicants submitted to the PTO a response to the "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)." The response included, among other things, an "Explanation and Acknowledgement of Incorrect International Application Number On Certain Papers," and the following documents that were corrected to indicate the correct international

application number PCT/US99/25109: (a) "Transmittal Letter to the U.S. Designated Office (DO/US) – Entry into the U.S. National Stage Under Chapter I"; and (b) "Statement Claiming Small Entity Status (37 CFR 1.9(c-f) and 1.27 (b-d))" (see Exhibit C). The aforementioned Small Entity Status Statement mistakenly incorrectly identified the international application number as PCT/US99/23815. A request was made to substitute these corrected papers into the file of U.S. application serial number 09/582,492. A request was also made to substitute other corrected papers for papers mailed to the PTO on September 11, 2000 in response to an "Invitation to Correct Defects in the International Application" (mailed July 11, 2000) that incorrectly identified the international application number as PCT/US99/23815.

5. On August 3, 2001, applicants received a Notification from the Office of PCT Legal Administration (Exhibit D) dated July 26, 2001, indicating that each distinct inquiry, as noted in 37 CFR 1.4 (c), must be contained in a separate paper. The Notification indicated the submitted papers would be placed in the file of PCT Application number PCT/US99/25109, and that no further action would be taken on the submitted papers

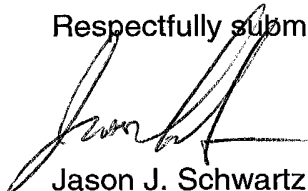
6. In view of the foregoing, with respect to application serial no. 09/582,492, applicants petition the Commissioner to (1) correct the international application number on the "Transmittal Letter to the U.S. Designated Office (DO/US) – Entry into the U.S. National Stage Under Chapter I" submitted June 26, 2000 above from "142/003/PCT" to "PCT/US99/25109;" (2) correct the international application number on the "Statement Claiming Small Entity Status (37 CFR 1.9(c-f) and 1.27 (b-d))" referenced above from "PCT/US99/23815" to "PCT/US99/25109;" and (3) as the Notification referenced in paragraph 4 above incorrectly identifies the international application number upon which the above-referenced national application is based as PCT/US99/23805 and incorrectly identifies the earliest priority date in this case as January 26, 1998, applicants request the priority information in application serial number 09/582,492 be

corrected to indicate that this national stage application is based on international application number "PCT/US99/25109," not "PCT/US99/23805," and that the earliest priority date be corrected from "January 26, 1998" to "October 26, 1998," and that all further reference to this international application in this case include the correct international application number (PCT/US99/25109), the correct international filing date (October 26, 1999) and the correct earliest priority date (October 26, 1998).

The above-referenced errors were inadvertent and made without deceptive intent on the part of applicants or their attorneys.

Applicants note a corrected oath/declaration is being submitted in this case along with a petition for revival of an application for patent abandoned unintentionally.

Respectfully submitted,



Jason J. Schwartz
Registration No. 43,910

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Date: March 6, 2002